

REPORT OF THE HEAD OF PLANNING, ECONOMY AND REGENERATION

COMMITTEE DECISIONS 2018/19 WHICH WERE NOT IN AGREEMENT WITH OFFICER RECOMMENDATION.

Cabinet Holder Cllr Richard Chesterton
Responsible Officer Mrs Jenny Clifford, Head of Planning, Economy and Regeneration

Reason for Report: To provide information where the Planning Committee has made decisions not in agreement with officer recommendation.

RECOMMENDATION: That the report be noted.

Relationship to Corporate Plan: Planning decision making is relevant to achieving corporate priorities: improving and regenerating our town centres, facilitating the housing growth that Mid Devon needs including affordable homes; planning and enhancing the built environment and protecting our environment.

Financial Implications: Risk of award of costs against the Council at appeal. See below.

Legal Implications: Planning authorities are not bound to accept the recommendations of their officers. However if officer's professional or technical advice is not followed, authorities need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority at appeal.

Risk Assessment: Risks associated with decisions proposing to refuse planning permission contrary to officer recommendation are set out in an implications report that is brought before Planning Committee before the final decision is made. However, at present no such implications report system is in place where Committee wish to grant planning permission contrary to officer recommendation. Local Planning Authority decision making by both officers under delegated authority and by Planning Committee irrespective of whether permission is refused or granted must be robust, justified and capable of being defended at appeal. There is a right of appeal against the imposition of conditions.

Equality Impact assessment: No equality issues identified in this report.

- 1.0 Attached at **Appendix 1** is a summary of applications where the Planning Committee have made decisions not in agreement with officer recommendations. The report covers the period from 1st April 2018 until 31st March 2019. (Please note that one of the applications appears twice on the attached list).
- 2.0 The number of cases during the 18/19 financial year was 7. Comparison with the figures for previous years is as follows:

2009	2010	2011	2012	2013	2014	2015/16	2016/17	2017/18	2018/19
8	10	6	11	12	3	7	11	8	7

3 were granted planning permission with conditions and 4 were refused permission contrary to officer recommendation.

- 3.0 In accordance with the agreed protocol, cases where Members wish to refuse permission contrary to an Officer recommendation for approval requires a deferral of the item for the receipt of a report setting out the implications of the proposed decision and the reasons given with Members indicating the decision that they are minded to make. Since April 2016, if Members wish to approve contrary to an officer recommendation to refuse permission, the protocol does not require that the item be deferred. However Members will need to give clear reasons for granting permission taking into account the requirement for the determination of planning applications to be in accordance with the development plan unless any other material planning considerations indicate otherwise. 3 such overturned cases were recorded in the last financial year.

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Background Papers	Planning Committee agendas and minutes 2017 - 2018
File Reference	None.
Circulation of the Report	Members of Planning Committee, Cllr Richard Chesterton.